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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,826	06/25/2003	Takaaki Kubodera	27922200100	1829
25227	7590	10/18/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102				LU, JIPING
ART UNIT		PAPER NUMBER		
		3749		

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/602,826	KUBODERA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jiping Lu	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11 and 13-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 11 and 13-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Status***

1. Claims 11 and 13-17 are now in the case and remain rejected. Claims 1-10, 12 and 18-19 have been canceled.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 11, 13-15 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krohn et al. (U. S. Pat. 4,036,624) in view of Kamata et al. (U. S. Pat. 6,520,999).

Patent to Krohn et al. teaches a dyeing device (Fig. 1) for dyeing a plastic lens 30 comprising a heating furnace (Fig. 1), a frame section 10 forming a space 14 within the heating furnace (Fig. 1) and a cooling mechanism 20-23 within the heating furnace (Fig. 1) separate from the frame section 10 in a position corresponding to a portion of the lens 30 within the frame

section 10 not requiring coloration; a heating section 16 provided within the frame section 10; an openable insertion port for allowing insertion of the lens provided on or near a bottom surface of the frame section 10, a lens-holding mechanism 31 for holding the lens 30; and a lens-moving mechanism 31 for moving the lens-holding mechanism 31 to insert all or a part of the lens 30 from the insertion port into an interior portion of the heating furnace. For claims 13-15, the lens moving mechanism and temperature are controlled (Fig. 2). The dyeing device of Krohn et al. as above includes all that is recited in claims 11, 13-15, 16-17 except for a vertical movable lens-moving mechanism. Kamata et al. teach a dyeing device with a lens-moving mechanism 11, 12 for moving lens in a vertical direction same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the lens-moving mechanism 11, 12 of Kamata et al. for the lens-moving mechanism 31 of Krohn et al. in order to move lens in a vertical direction.

*Response to Arguments*

5. Applicant's arguments filed 8/1/2006 have been fully considered but they are not persuasive to overcome the rejection. First, claims fail to structurally define over the prior art references. Second, the applicant argued that the elements 20-23 are not cooling mechanism in Krohn patent. The examiner disagrees. The bricks 20-23 in Krohn patent do perform the claimed cooling function. Krohn patent does explain that the progressively increased spaced brick arrangement allowing variable flows of air and thus greater cooling through convection and radiation (see Col. 10, lines 61-68). Therefore, the bricks 20-23 constitute cooling mechanism. Third, the applicant also argued that the cooling mechanism or bricks 20-23 are not within the

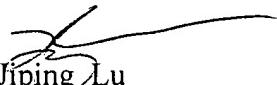
heating furnace. However, the examiner has interpreted that the entire system 13 is located in a room (see Fig. 1) which maybe called “a heating furnace”.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jiping Lu  
Primary Examiner  
Art Unit 3749

J. L.